



EVIDENCE/PROPERTY *HANDLING*

FC No.: 721

Date: 04-16-09

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Policy

It is the policy of the department that all evidence/property be diligently protected and secured. The procedures for all evidence/property must be followed as outlined in this directive ***and the Evidence/Recovered Property Procedures Manual***. Officers will log their evidence/property into agency records (e.g., incident report, search warrant return) as soon as possible. Officers must enter their evidence/property into the evidence/property system prior to the end of their tour of duty.

II. Definitions

- A. Contraband – any item which cannot be lawfully in the possession of a citizen.
- B. Disposable Property – any property which is no longer required to be stored or maintained by any departmental or legal procedure.
- C. Evidence – any item which will be of use in a court proceeding to prove or disprove a fact under consideration.
- D. Evidence ***Drop Box*** – temporary storage located at the property processing areas where officers temporarily store CDS, audio and video tapes, latent cards, currency, and film evidence prior to entry into the evidence/property room.
- E. ***Evidence Property Manager (EPM)*** – ***an employee responsible for the functioning of the Evidence Property Management System and integration of policies and procedures within the department.***

- F. **Evidence/Property Processing Area** – an area designated within the unit/district for processing all property for storage.
- G. **Evidence/Property Room** – a secure area for holding evidence and property.
- H. **Found Property** – *property coming into the custody of the Montgomery County Department of Police, which has been determined to be lost or abandoned, and is not known or suspected to be connected with any criminal offense.*
- I. **Property Officer** – an employee designated by the District/**Division** Commander to maintain the property room.
- J. **Property for Safekeeping** – *property which has been placed in the custody of the Montgomery County Department of Police for temporary protection on behalf of the owner. These items are generally personal property that has come into the possession as the result of an arrest, psychiatric evaluation, or other event.*
- K. **Recovered Property** – any property of an evidentiary nature that comes into the custody of the Montgomery County Department of Police *and is associated with a previously reported event.*
- L. **Temporary Storage Lockers** – a series of locker-type temporary *enclosures* located at the property processing areas where officers temporarily store evidence/property prior to entry into the *evidence/* property room.

III. Evidence/Property Holding Facilities

- A. **Authorized Evidence Storage Locations**
All evidence will be kept at one of these locations:
 - 1. Department *evidence/property* holding facilities
 - 2. Retained and signed for by the State's Attorney or court authorities
 - 3. *Received and signed for by an outside laboratory for a forensic examination*
- B. All property/evidence holding facilities must be approved by the **EPM**.
- C. **Evidence/Property Room Access**
 - 1. *Each district station will have one property officer and up to three assigned alternates, to be determined by the District Division Commander. Other locations will have alternates assigned based on the need of that location. Only these individuals* will be allowed access to their respective property rooms without signing in and out of the room.
 - 2. All other personnel must sign in and out of the rooms, using the logbook and will be accompanied by a property officer or alternate at all times.
 - 3. District/**Division** Commanders, or designee, must *give notice to* the **EPM** prior to assigning *new* property officers *or alternates*.
 - 4. *Interns will not be designated as alternate property officers nor will they deal with evidence.*
- D. **Temporary Evidence Storage**
When evidence is stored in a temporary storage locker, the key to the **locker** will be deposited in a designated, secure, key drop location that has been approved by the District/Division Commander.

IV. Procedures for Evidence/Property

- A. Red Evidence Tape**
Detectives will use red evidence tape to secure the inner and more critical areas of a crime scene. Only FSS personnel and essential investigators will be permitted inside the area marked with red tape.
- B. Authenticate – MCP 724**
All evidence/property containers will be labeled to identify the contents of the package using the printed MCP 724, "Evidence/Property Label." The documentation shall also include specific information regarding the collection, seizure, recovery, and location recovered. Preprinted MCP 724 adhesive labels are available for oversized items and will be completed and affixed to the item or container.
- C. Contamination**
Care shall be used for items seized for forensic examination to avoid cross-contamination.
- D. Handling Damp/Wet Items**
All damp or wet items must be air dried; do not apply heat to the item(s). Do not place damp/wet items in plastic bags as they may mold or decay, creating a biohazard and destroying evidence.
- E. Chain of Custody**
To minimize chain of custody problems, one officer will be responsible for packaging and sealing all evidence from a crime scene. All evidence/property will be accounted for on the evidence container from time of seizure until the release of the items to a recognized evidence/property facility. Any personnel taking control or possession of evidence/property shall record their name, ID number, date, and time in the designated space on the MCP 724.
- F. Serialized Items**
Serialized items must be packaged separately and entered individually into the evidence/property tracking system.
- G. Packaging Items**
All items of evidence will be individually packaged except like items (e.g., pens, markers, misc. papers) from the same location (e.g., desk top, dresser drawer, glove box) which may be packaged together. The smallest packaging possible should be used, particularly when using boxes, in order to make the best use of space.
- H. Sealing Containers**
Employees will seal all evidence/property containers and write their initials and the date over the seal to ensure chain of custody. Containers used to transport multiple sealed items of evidence/property will be labeled as to the contents but not sealed. Staples will not be used to seal evidence packages.
- I. Employees taking control of evidence/property will enter the item(s) into the evidence tracking system as soon as possible, but no later than the end of the employee's tour of duty.**
- J. To log into the evidence tracking system, employees must use their own identification information. An employee will not use another employee's identification information for this purpose.**
- K. When the Computer is Not Working**
1. When the computer bar-code system is not working, an MCP 526, "Evidence/Property Transfer Report," must be completed by hand for all evidence/recovered property that is to be entered into the evidence system. The required forms must be filled out completely, including the signature block. The chain of custody can not be tracked without a signature on the MCP 526. Once the computer is

operational, the station/unit property officer will enter the information into the computer from the MCP 526.

2. All other procedures, including any additional forms that are required, will be followed.

L. MCP 526, "Evidence/Property Transfer Report"

1. An MCP 526 will be completed for all evidence.
2. List each piece of property separately, noting identifying numbers/letters, etc., in the description block (avoid generic terms such as clothing/jewelry). *For like items, such as swabs, individualize each item by listing the location recovered (i.e., swab-front entrance, swab-kitchen floor).*
3. Firearms, expended bullet, and shell casing evidence will not be combined on the MCP 526. A separate MCP 526 will be necessary in these cases.
4. Place all copies of the MCP 526 with the evidence/*property* in the *temporary storage locker*. The property officer will return a copy of the MCP 526 to the submitting officer.
5. Officers/*property officers* must complete the chain of custody block on the MCP 526 each time the evidence/*property* is taken to a different location or is turned over to someone else.

M. Temporary Storage Lockers

All evidence/property will be submitted to the property officer using temporary storage lockers in the evidence processing area. Personnel will record the locker number with the information in the evidence/property tracking system. In the event the evidence/property cannot be secured in an evidence/property holding facility, an appropriate location at the station that can be secured may be used if the chain of custody can be maintained. When officers anticipate a large seizure of evidence resulting from a search warrant or the seizure of large items that will not fit into the *temporary storage lockers*, arrangements for the property officer to be available to secure the evidence in the property room should be made with the District/*Division* Executive Staff.

N. Dangerous Chemicals/Explosives

Dangerous chemicals/explosives (e.g., gasoline, fireworks) cannot be safely stored in a police facility. The Fire Marshal will respond and take custody of any of this type of property. All such evidence will be packaged, labeled, *and entered into the evidence tracking system* prior to transfer of custody to the Fire Marshal. No evidence/*property* containing gasoline, etc., will be stored in any police department property room.

O. Visual/Audio Media Evidence

1. *One original copy of all visual/audio media evidence must be entered into evidence.*
2. *Digital photographs will be uploaded to the photographic evidence database.*
3. *Additional copies can be retained in officers' case files.*
4. *When preparing a case for presentation to the State's Attorney's Office, officers will provide two copies of any disks that contain audio/video evidence that may be used in trial.*

P. Weapons

Only sworn officers will receive weapons turned in at a police facility. When a citizen wants to turn in a weapon, civilian employees will promptly contact an officer. Civilian employees will not handle any weapon unless absolutely necessary to prevent injury or death. *Civilians and volunteers may handle weapons that are evidence/property once they are properly packaged.*

Q. Bicycles

The Abandoned Vehicle Section (AVS) is responsible for handling all abandoned/recovered bicycles. The AVS will ensure that bicycles are picked up within 72 hours of notification. Notification will be made Monday through Friday, 0800 to 1600 hours.

R. Latents

1. *When latent evidence is lifted from an item, employees will note on the back of the latent lift card the case number, date, and time the latent was lifted, the employee's name, and the specific location the latent was lifted.*
2. Latent prints will not be sent through the inter-office mail.
3. *When an item needs to be tested for both latents and DNA, the submitting officer must write "DNA" at the top of the MCP 41, "Request for Impression Evidence Examination."*

S. Sharps (Needles, Syringes, Razor Blades)

1. Place all sharps in a biohazard safety tube prior to packaging for submission into evidence.
2. *If the item will not fit in a safety tube, place it in between two pieces of hard cardboard and tape the edges of the cardboard prior to packaging.*
3. If the sharps are to be disposed of, place them in a biohazard safety tube and then in the red sharps container located at each station.
4. *Place broken glass or items with fragmented edges in a protective covering.*

T. Motor Vehicles

At the direction of a supervisor or investigator, vehicles involved in 0100 through 0400 series crimes may be taken to the Vehicle Recovery Facility. Officers will:

1. *Contact FSS at (240) 773-5150 or, when FSS personnel are not available, have ECC contact an evidence technician and arrange to meet them at the facility.*
2. *Escort the tow and maintain custody of the vehicle until the evidence technician arrives.*
3. *Sign in and out of the facility. All personnel entering the bay area must sign in.*
4. *Complete both sides of the MCP 529, "Vehicle Processing Form."*
5. *Upon completion of the processing, the investigating officer will be notified by FSS when the vehicle may be released. The investigating officer will then coordinate with AVS regarding the release of the vehicle.*

V. **Contraband**

- A. The recovering officer will document the recovery/*seizure of any contraband* in an appropriate report *and enter it into the evidence tracking system.*
- B. Contraband will be packaged, labeled, and *secured in a temporary storage locker pending receipt by the property officer.*

VI. **Found Property**

- A. The recovering officer will make a reasonable attempt to identify and contact the owner. *This will be documented in an appropriate report.*
- B. When *found* property (not evidence or contraband) is turned over to the police, the finder will be advised they may be entitled to the property, including currency but excluding firearms and bicycles, if the owner is not *identified*. The finder must contact the district of occurrence after **90** days and before **120** days to claim the item(s) in question.
- C. The recovery will be documented in the appropriate department report *and the property will be entered into the evidence tracking system.*
- D. *Found* property will be kept at the property room for **120** days. If not claimed by the owner or requested by the finder, the property will be transferred to the central property for disposal after **120** days.

VII. Property for Safekeeping

- A. Property for safekeeping will be inventoried, labeled, and secured in a manner consistent with evidence/property handling protocols.**
- B. Property of significant value will be itemized and serial numbers, when available, will be recorded and entered into the evidence tracking system.**
- C. The collection/seizure will be documented in the appropriate department report and entered into the evidence tracking system.**
- D. At the time of recovery/seizure, or in a timely manner thereafter, officers will provide the owner with the procedures to retake possession of the property.**

VIII. Transporting Property

The property officer or alternate will be the only authorized personnel to transport evidence/**property** to Central Supply Section – Evidence Property Unit (CSS-EPU), Forensic Services Section, or the Crime Laboratory Section. None of the evidence/**property** will be transported by the property officer or alternate that has not been processed into the **evidence/property** room except:

- 1. Items secured by FSS at crime scenes.
- 2. Evidence withdrawn from the Crime Laboratory Section or the CSS-EPU room for court or other processing purposes.
- 3. **Bio-hazard items.**

IX. Property Officers Responsibilities

- A. The duties of the property officers will be described in the respective district/unit SOP. The **EPM** must be notified of any proposed changes to the SOP regarding the property officers/evidence rooms prior to the change.**
- B. Property officers will:**
 - 1. Acknowledge receipt of an item and assign it a bar code as soon as possible after receiving it.**
 - 2. Enter any evidence/property that was not previously entered due to the system being down.**
 - 3. Store items of evidence/property, which by their very nature, require extra security or handling precautions separately from other items in the property room. (For example: money and firearms.)**
 - 4. Maintain all evidence/property to be sent to **CSS-EPU** and make weekly transfers of evidence/property.**
 - 5. Purge the evidence drop boxes on a weekly basis. Exceptions can be granted by the District/Division Commander.**
 - 6. Record all transactions in the bar coding system for any evidence/property moved within or out of the evidence/property room.**
 - 7. Not accept items not sealed properly, including a date and the sealing officer's initials.**

X. Central Supply Section – Evidence Property Unit Responsibilities

CSS-EPU custodians will:

- 1. Process all new evidence/property entries as soon as possible after receiving them.**
- 2. Maintain the **CSS-EPU** rooms according to department policy.**
- 3. Monitor the **computer** master file for all property held by the department and check inventory reports against the master file.**
- 4. Provide storage and maintain records for evidence/property brought to the **CSS-EPU** rooms.**

5. Dispose of property by auction, destruction, **conversion**, or by returning it to the owner via the **unit/district** property officer or investigating officer.

XI. Disposition/Purge – Review Requests

- A. Purge requests (computer generated) will be sent to the investigating officer.
- B. The officers will complete the request and return it to **the requesting party**. ***If the suspense date is not met, the officer's supervisor will be notified.*** The supervisor will ensure that the request is completed.
- C. ***If the officer would like the item to be retained, it must be noted on the request.***
- D. Prior to requesting **disposal** of evidence from cases where convictions have been obtained, officers should contact the assigned Assistant State's Attorney (ASA) to determine if an appeal is possible or pending. If the ASA is no longer available, contact the appropriate supervisor in the State's Attorney's Office. Officers must note the name of the person contacted on the request.
- E. If an officer has retired or is on extended leave, the District/**Division** Commander, or designee, will ensure that the information requested above is documented on the request and then promptly returned to **the requesting party**.

XII. Disposal of Property

- A. ***The department may dispose of property by any of the following methods:***
 1. ***Release to owner.***
 2. ***Conversion or diversion to county use.***
 3. ***Selling the property at auction.***
 4. ***Destruction.***
- B. ***If an item is authorized for disposal, property officers will:***
 1. Promptly release the item to its owner after all legal requirements have been met.
 2. When the item presents no **environmental, safety, or security risk and there is** no monetary value, the item maybe destroyed at the unit/district level.
 3. ***Any item of value will be recorded on the PropertyRoom.com manifest and forwarded to CSS-EPU for auction***
 4. ***For items not meeting the above mentioned criteria, property officers will record them on the MCP 563, "Authority to Dispose of Property," and forward with the MCP 563 to CSS-EPU for disposal.***
 5. ***In all cases, the property officer will document any transfers or changes in the disposition of disposable property in the evidence tracking software.***
- C. ***Refer to the following directives for disposal of firearms, currency, and drugs:***
 1. ***FC 640, "Investigations of Firearms Violations"***
 2. ***FC 722, "Seizure, Storage, and Forfeiture of Money"***
 3. ***FC 731, "Crime Laboratory Section"***
- D. ***Final disposition of evidence and property will be completed within six months, or as soon as possible, after legal requirements have been satisfied.***

XIII. Evidence/Property for Conversion

When evidence/property is to be converted to department use, based on Section 3-505 of the Public Safety Article, these guidelines need to be followed:

1. *Determine if item is authorized for release (no court/post conviction review, ownership claims, etc.).*
2. *Identify the purpose of the conversion and the value to the department (investigation-pawn sting, training-educational tool, etc.).*
3. *Preliminary review and approval by immediate supervisor.*
4. *Submission of memorandum through the requestor's chain of command to the Assistant Chief, Management Services Bureau. Include in the memorandum sections 1 and 2 above and an attachment which fully describes the item(s) for conversion. Include case numbers and any bar codes associated with the items to include any accessories.*
5. *A copy of the memorandum will be sent to the EPM and the supervisor of CSS-EPU.*
6. *After approval, a copy of the request will be presented at the time of the release.*

XIV. Inspections/Inventories

A. Inspections

Evidence/property stored *in any evidence/property room* will be inspected as follows:

1. *Semi-Annual - a semi-annual spot inspection of each evidence/property room by the District/Division Commander, or designee, is required. The results of the inspection are to be documented on the MCP 725, "Semi-Annual Evidence Room Inspection Report." The form should be forwarded to the Policy and Planning Division (PPD).*
2. *Annual - All of the evidence/property rooms will be inspected annually. During the annual inspections an audit will be conducted of the evidence/property within each evidence/property facility. The final report for each inspection will be forwarded to PPD.*
3. *Unannounced Inspections - the EPM shall conduct unannounced spot inspections of all of the evidence/property room sites. The focus of the inspection will be on any deficiencies identified in previous audits, security practices, and a sampling of items in the inventory of the evidence/property room site.*

B. Inventories

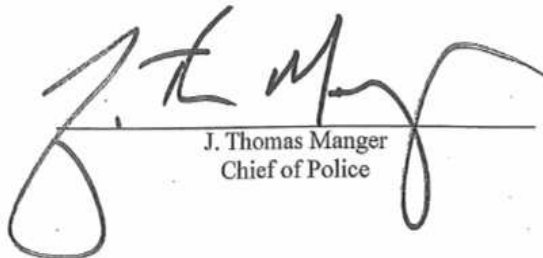
The EPM, along with the outgoing and incoming property officers, shall conduct a complete inventory of the evidence/property facility whenever a change of personnel occurs within their location.

XV. CALEA Standards: 55.2.4, Chapter 84

XVI. Proponent Unit: MSB Administration

XVII. Cancellation

This directive cancels Function Code 721, effective date 05-11-98, and Headquarters Memoranda 08-03, 07-02, 06-01, 99-17, 99-01, 98-18, and 98-01.



J. Thomas Manger
Chief of Police